

ORIGINAL

DAVID L. HENKIN #6876  
ISAAC H. MORIWAKE #7141  
EARTHJUSTICE  
223 South King Street, Suite 400  
Honolulu, Hawai'i 96813  
Telephone No.: (808) 599-2436  
Fax No. (808) 521-6841  
email: dhenkin@earthjustice.org

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

MAR 09 2006

at 9 o'clock and 25 min. a/m  
SUE BEITIA, CLERK

Attorneys for Plaintiffs\*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

LIMU COALITION, a Hawai'i non-	)	CIVIL NO. 02-00521 SPK BMK
profit corporation, and KĪLAUEA	)	
NEIGHBORHOOD ASSOCIATION, a	)	STIPULATION RE:
Hawai'i non-profit corporation,	)	CONSOLIDATION; ORDER
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
JAMES H. PFLUEGER; PFLUEGER	)	
PROPERTIES, a Hawai'i limited	)	
partnership; and PILA'A 400, LLC, a	)	
Hawai'i limited liability company,	)	
	)	
Defendants.	)	

STIPULATION RE: CONSOLIDATION

\* Pursuant to Local Rule 10.2(b), please refer to the signature page for the complete list of parties represented.

WHEREAS, on August 19, 2002, Plaintiffs Limu Coalition and Kīlauea Neighborhood Association filed a Complaint (“Citizens’ Suit”), since amended, against Defendants James H. Pflueger, Pflueger Properties LLP, and Pīla‘a 400, LLC, alleging violations of the federal Clean Water Act, 33 U.S.C. §§ 1251 et seq., associated with Defendants’ construction activities on property at Pīla‘a, Kaua‘i, Hawai‘i;

WHEREAS, concurrently with lodging this stipulation, the United States of America, on behalf of the United States Environmental Protection Agency and the State of Hawai‘i, on behalf of the Hawai‘i Department of Health, filed a Complaint in this Court against Defendants, alleging Clean Water Act violations at Pīla‘a similar to those alleged herein, as well as violations under Section 13 of the Rivers and Harbors Act, 33 U.S.C. § 407, and state law (“the Government Suit”);

WHEREAS, concurrently with lodging this stipulation, a consent decree was lodged in the Government Suit, and a settlement agreement was lodged herein; and

WHEREAS, consolidating the Citizens’ Suit and the Government Suit would aid the efficient and expeditious resolution of these actions;

NOW, THEREFORE, IT IS STIPULATED BY AND BETWEEN THE PARTIES that:

1. The Government Suit shall be assigned to Senior United States District Judge Samuel P. King and United States Magistrate Judge Barry M. Kurren; and

2. The Citizens' Suit and the Government Suit shall be consolidated for purposes of the Court's consideration and implementation of the consent decree in the Government Suit and of the settlement agreement herein.

DATED: March 1, 2006.

FUKUNAGA MATAYOSHI  
HERSHEY & CHING LLP  
WESLEY H. H. CHING 2896-0  
KATHLEEN M. DOUGLAS 5036-0  
841 Bishop Street  
1200 Davies Pacific Center  
Honolulu, Hawai'i 96813  
Telephone No.: (808) 533-4300  
Fax No.: (808) 531-7585  
Email: whc@fmhc-law.com

By: Wesley H.H. Ching  
Wesley H.H. Ching  
Noel Wise  
Attorneys for Defendants James H. Pflueger,  
Pflueger Properties, and Pila'a 400, LLC

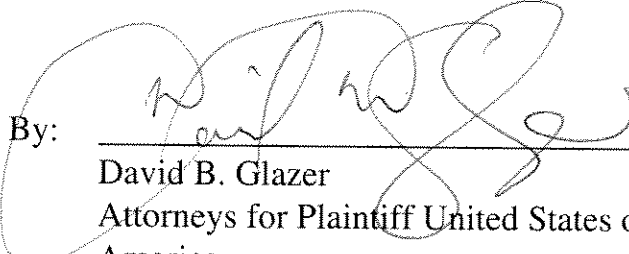
DATED:

February 13, 2006

SUE ELLEN WOOLDRIDGE  
Assistant Attorney General  
Environment & Natural Resources Division  
U.S. Department of Justice  
Washington, D.C. 20530

DAVID B. GLAZER  
Senior Counsel  
Natural Resources Section  
San Francisco Field Office  
Environment & Natural Resources Division  
U.S. Department of Justice  
301 Howard Street, Suite 1050  
San Francisco, California 94105  
Telephone No.: (415) 744-6477  
Fax No.: (415) 744-6476  
Email: David.Glazer@usdoj.gov

By:

  
David B. Glazer  
Attorneys for Plaintiff United States of  
America

---

Limu Coalition, et al., v. Pflueger, et al., Civ. No. 02-00521 SPK BMK (D. Haw.);  
STIPULATION RE: CONSOLIDATION

DATED: FEB 28 2006

MARK J. BENNETT #2672  
Attorney General of Hawai'i  
KATHLEEN S. HO #3424  
Deputy Attorney General  
Department of the Attorney General, State  
of Hawai'i  
465 King Street, Suite 300  
Honolulu, Hawai'i 96813  
Telephone No.: (808) 587-3050  
Fax No.: (808) 587-3077  
Email: Kathleen.S.Ho@hawaii.gov

By: Kathleen S. Ho  
Kathleen S Ho  
Attorneys for Plaintiff Hawai'i Department  
of Health Services

DATED: MARCH 8, 2006

EARTHJUSTICE  
223 South King Street, Suite 400  
Honolulu, Hawai'i 96813

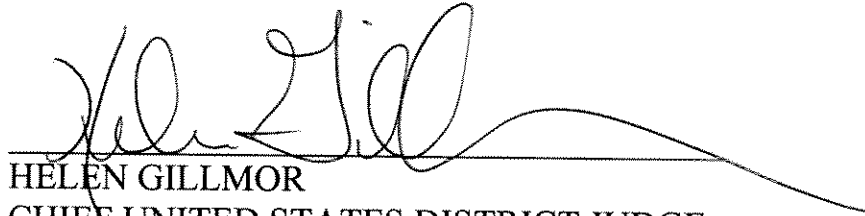
By: David L. Henkin  
David L. Henkin  
Attorneys for Plaintiffs Limu Coalition and  
Kilauea Neighborhood Association

---

Limu Coalition, et al., v. Pflueger, et al., Civ. No. 02-00521 SPK BMK (D. Haw.);  
STIPULATION RE: CONSOLIDATION

APPROVED AND SO ORDERED.

DATED:



HELEN GILLMOR  
CHIEF UNITED STATES DISTRICT JUDGE

---

Limu Coalition, et al., v. Pflueger, et al., Civ. No. 02-00521 SPK BMK (D. Haw.);  
STIPULATION RE: CONSOLIDATION; ORDER